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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,268	04/28/2005	Matti Lipsanen	856.0012.U1(US)	7347
29683 7590 02/06/2009 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE, Suite 202 SHELTON, CT 06484-6212			EXAMINER LAZARO, DAVID R	
			ART UNIT 2455	PAPER NUMBER
			MAIL DATE 02/06/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b> (For use in the First Action Interview Pilot Program)	Application No.	Applicant(s)	
	10/533,268	LIPSANEN, MATTI	
	Examiner	Art Unit	Page 1 of 2
	DAVID LAZARO	2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **ONE MONTH OR THIRTY (30) DAYS**, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

This time period for reply is extendable under 37 CFR 1.136(a) for only **ONE additional MONTH**. This communication constitutes notice under 37 CFR 1.136(a)(1)(i).

☐ Applicant's request to not have a first-action interview is acknowledged.

#### Status

1) ☒ Responsive to communication(s) filed on 10 November 2008 and interview conducted on 22 December 2008.

2) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

3) ☒ Claim(s) 54-68 is/are pending in the application.

3a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

4) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

5) ☒ Claim(s) 54-68 is/are rejected.

6) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

7) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

8) ☐ The specification is objected to by the Examiner.

9) ☐ The drawing(s) filed on 21 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

10) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

11) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some \* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

#### Contact Information

Examiner's Telephone Number: (571)272-3986

Examiner's Typical Work Schedule: 8:30-5:00 M-F

Supervisor's Name: Saleh Najjar

Supervisor's Telephone Number: 571-272-4006

#### Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)

Paper No(s)/Mail Date 04/28/05, 7/10/06.

4) ☒ Interview Summary (PTO-413)

Paper No(s)/Mail Date: 20090131.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: \_\_\_\_\_.

**Office Action Summary**

Application No.

10533268

Applicant(s)

LIPSANEN, MATTI

Examiner

DAVID LAZARO

Art Unit

2455

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**Notification of Rejection(s) and/or Objection(s)**

#	Claim(s)	Reference(s) (if applicable)	Rejection Statutory Basis	Brief Explanation of Rejection
1	54, 60-63, 67, 68	A	102(e)	A teaches establishing a set of user preferences related to delivery of content (Request with QoS preferences: paragraph 37, 29, 68) receiving at an agent a request from a terminal connected to a network (paragraph 37, 68: QoS request) at the agent, sourcing content in response to (cont. 1)
2	55-58, 64, 65, 66	B	103(a)	A does not teach the use of logs and acknowledgments. B teaches keeping a log of delivered content and acknowledgements (Fig. 3b and col. 3 lines 4-25). As it is desirable to know if a user received requested content (see continuation)
3	59	C	103(a)	A does not teach notifying over a duplex prior to delivery over a simplex network. D teaches the use of a duplex and simplex network for delivering content to a user. This includes notifying over a duplex network prior to delivery of content (see cont)

**Expanded Discussion/Commentary**

1		receiving the requests, selecting based on the user preferences a network over which to deliver the content and delivering the content over the selected network (Paragraphs 36, 37, 50, 56 the broker- LMQB -(agent) determines available networks, determines the best network based on the requested QoS (preferences) and begins data delivery services based on the network selected)
2		it would have been obvious to include the logging and acknowledging of B in the data delivery of A.
3		over a simplex network (see abstract and [52]-[53]). It would have been obvious to use the notification techniques of C in the delivery system of A as it provides reliability in delivering data to a user.
		Examiner Note: Based on the interview 12/22/08, the examiner has cited new art to address the applicant's concern with the previous combination presented in the pre-interview communication.

DATE:  
1/31/2009/David Lazaro/  
Primary Examiner, Art Unit 2455